

REMARKS

This responds to the Office Action mailed on November 30, 2006.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 7-11 and 17-25 are now pending in this application.

§103 Rejection of the Claims

Claims 7-11 and 17-21 were rejected under 35 USC § 103(a) as being unpatentable over Dangelo et al. (U.S. 7,109,581) in view of Uang et al. (U.S. 6,989,325) and Brown et al. (U.S. 6,340,822). Applicants respectfully traverse the rejection for the reasons stated below.

The cited Dangelo patent is the only one of the three patents relied upon in the Office Action's newly constructed combination of patents which relies upon carbon nanotubes as part of a thermal interface between a heat sink. Both Uang and Brown relate to the use of nanotubes for electrical connection of circuits on vertically adjacent substrates. In view of the fact that the technical considerations for thermal interfaces between a die and a heat sink vary substantially from the considerations electrical connections between circuits, it is necessary to make a prima facie showing of obviousness that the Office Action provide a well reasoned basis demonstrating that one of ordinary skill in the art would have motivation for making the suggested combination of features drawn from three different patents. The Office Action merely leaps to the naked conclusion that it would have been obvious to make the two combinations of features suggested by the Office Action. In view of the ongoing failure of the Office Action to make a prima facie showing of obviousness, it is submitted that the claims 7-11 and 17-21 are allowable and reconsideration and allowance are respectfully requested.

Claims 22-25 were rejected under 35 USC § 103(a) as being unpatentable over Dangelo et al. (U.S. 7,109,581) in view of Uang et al. (U.S. 6,989,325), Brown et al. (U.S. 6,340,822), and Yoshida (U.S. 4,169,911). Applicants respectfully traverse the rejection for the reasons stated below.

As pointed out above, the Office action failed to make out a prima facie showing of obviousness by failing to show a motivation to combine Dangelo, Uang, and Brown. In the present rejection, the failure to show a motivation to combine as to those three is compounded by

adding a further cited patent to Yoshida without showing a motivation for doing so. In view of the failure of the Office Action to make out a prima facie showing of obviousness, it is submitted that claims 22-25 are allowable and reconsideration and allowance are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of March 2007.

Amy Moriarty
Name

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Signature